

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACE AMERICAN INSURANCE COMPANY,

Petitioner,

-against-

UNIVERSITY OF GHANA,

Respondent.

Case No. 1:21-cv-06472

**DECLARATION OF JOSHUA M.
BENNETT IN SUPPORT OF
PETITION TO CONFIRM,
RECOGNIZE, AND ENFORCE
FOREIGN ARBITRATION AWARD**

I, Joshua M. Bennett, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney in the law firm of Paul Hastings LLP, attorneys for Petitioner Ace American Insurance Company (“Chubb” or “Petitioner”) in the above-captioned action.

2. I submit this Declaration in support of Chubb’s Petition (the “Petition”) to Confirm, Recognize, and Enforce a Foreign Arbitration Award pursuant to Section 2 of the Federal Arbitration Act, 9 U.S.C. § 201 *et seq.* (the “FAA”), and Article III of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention”).

3. I am familiar with the facts and circumstances of the agreements and underlying dispute between CPA 19 Integras GH Investor Ltd. (Ghana) (“CPA Ghana”) and the University of Ghana (“UG” or the “Respondent”), as well as the arbitral award rendered pursuant to those agreements that is the subject of this Petition.

4. Attached as Exhibit A is a true and correct copy of the Expert Determination, which was rendered by Mr. Nicholas Vineall QC in favor of CPA 18 Integras GH Investor Limited on August 1, 2018.

5. Attached as Exhibit B is a true and correct copy of the Assignment Agreement entered into on October 11, 2019 by and among CPA 18 Integras GH Investor Limited and Chubb.

6. Attached as Exhibit C is a true and correct copy of the Second Amended and Restated Concession Agreement, dated September 15, 2015.¹

7. Attached as Exhibit D is a true and correct copy of the First Amendment to the Second Amended and Restated Concession Agreement, dated December 31, 2015.

8. Attached as Exhibit E is a true and correct copy of the Second Amendment to the Second Amended and Restated Concession Agreement, dated February 10-11, 2016.

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
July 30, 2021

/s/ Joshua M. Bennett
Joshua M. Bennett

¹ The operative agreement relied upon by the Concession Parties, attached as Exhibit C, inadvertently omits pages 71 of the agreement and page 44 of Schedule 11.